

B

See Section C

Docket No.: PA-0033 US

I hereby certify that this correspondence is being deposited with the United States Postal Service by first class mail in an envelope addressed to: Commissioner for Patents, Attn: Box Missing Parts Washington, D.C. 20231 on December 18, 2001.  
By: [Signature]  
Printed name: Katherine Stefer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Schebye et al.

Title: CDNAs EXPRESSED IN ADIPOCYTE DIFFERENTIATION

Serial No.: 09/918,624

Filing Date: 7/30/01

Examiner: Duffy, P.

Group Art Unit: 1645

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Commissioner for Patents  
Attn: Box Missing Parts  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS,  
FILING DATE GRANTED AND NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE  
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Sir:

In response to the Notice to File Missing Parts of Application, Filing Date Granted and Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed by the United States Patent and Trademark Office on October 18, 2001, Applicants submit the following documents to complete the filing for the above-identified patent application:

1. Copy of Notice to File Missing Parts of Application, Filing Date Granted (2 pp.);
2. Executed Declaration and Power of Attorney for United States Patent Application (6 pp., in counterpart);
3. Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (4 pp.);
4. Submission Under 37 CFR § 1.821-1.825 Sequence Listing (1 pg.);
5. Compact Disk-Recordable (CD-R) discs containing Sequence Listing (3 CD-Rs); and
6. Return postcard.

Please charge the following fees to **Deposit Account No. 09-0108**:

Basic surcharge fee for filing the declaration: \$ 130.00

Total fees charged to Deposit Account No. 09-0108: \$ 130.00

If the Patent Office determines that additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) **Deposit Account No. 09-0108**.

If there are any questions regarding the above, the Examiner is invited to call the undersigned at 650-855-0555.

This response is enclosed in **duplicate**.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date:

18 December 2001

*for* Lynn E. Murry, Ph.D.  
Reg. No. 42,918  
Direct Dial Telephone: (650) 845-4159

3160 Porter Drive  
Palo Alto, CA 94304  
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Washington, D.C. 20231 on December 18, 2001.

Printed: Katherine Stofer



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Xiao Min Schebye, Thierry R. Sornasse

Title: CDNAS EXPRESSED IN ADIPOCYTE DIFFERENTIATION

Serial No.: 09/918,624

Filed: July 30, 2001

Examiner: Duffy, P.

Group Art Unit: 1645

Commissioner for Patents  
Box Sequence  
Washington, D.C. 20231

## SUBMISSION UNDER 37 CFR §1.821- 1.825 SEQUENCE LISTING

Sir:

1. In accordance with the requirements of 37 CFR §1.821- 1.825, and by waiver of 37 CFR § 1.2 and in compliance with new rule 37 CFR §1.52(e), Applicants hereby submit (in duplicate) two (2) identical Compact Disk-Recordable (CD-R) discs, each containing the Sequence Listing for the above-identified application. The following files are contained on the compact discs:

File name	Size (Kbytes)	Creation Date	Identifying Information
e.g. pa0033.txt	206KB	December 18, 2001	Sequence Listing, SEQ ID NO:1-71.

These CD-Rs are provided in compliance with 37 CFR §1.821 *et seq.* and as permitted by 37 CFR §1.52(e). Each file recorded on the CD-R is formatted in plain ASCII text, (Sequence Listing), to be viewed on an IBM Compatible desktop computer. The files are readable using any standard word processing (Sequence Listing) (e.g., MS Word '97 or MS-Wordpad for the Sequence Listing.

2. Additionally, Applicants herein submit one (1) CD-R containing the computer readable form (the CRF) of the Sequence Listing of the above-identified application, in accordance with 37 CFR §1.821(e) and as specified by 37 CFR §1.824(a)(2).

File name	Size (Kbytes)	Creation Date	Identifying Information
e.g. pa0033.txt	206KB	December 18, 2001	Sequence Listing, SEQ ID NO:1-71.

3. The content of the Sequence Listing recorded on the two (2) CD-Rs, referred to in paragraph 1. above, is identical to the Sequence Listing presented in the CRF, referred to in paragraph 2. above, as required under 37 CFR §1.821(f).

Respectfully submitted,  
INCYTE GENOMICS, INC.

Date: 18 December 2001

Richard C. Sherten Reg. No. 37,027

for Lynn E. Murry, Ph.D.

Reg. No. 42,918

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/918,624	07/30/2001	Xiao Min Schebye	PA-0033 US

CONFIRMATION NO. 3179

## FORMALITIES LETTER



\*OC000000006927366\*

INCYTE GENOMICS, INC.  
18150 Porter Drive  
Palo Alto, CA 94304

Date Mailed: 10/18/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

A copy of this notice **MUST** be returned with the reply.

01/08/2002 SSESHE1 00000112 090108 09918624  
01 FC:105 130.00 CH

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

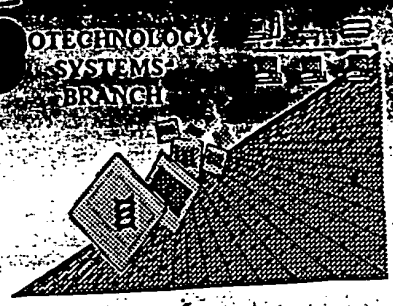
Customer Service Center

Initial Patent Examination Division (703) 308-1202

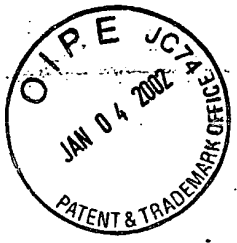
PART 2 - COPY TO BE RETURNED WITH RESPONSE

08/16

BIOTECHNOLOGY  
SYSTEMS  
BRANCH



## RAW SEQUENCE LISTING ERROR REPORT



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/918624  
Source: O I P E  
Date Processed by STIC: 08/09/2001

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: [patin3help@uspto.gov](mailto:patin3help@uspto.gov) or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

### Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

OIPE

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/918,624

DATE: 08/09/2001  
TIME: 14:01:32

Input Set : A:\pa0033us\_seqlisting.txt  
Output Set : N:\CRF3\08092001\I918624.raw

Does Not Comply  
Corrected Diskette Needed

2 <110> APPLICANT: Schebye, Xiao Min  
3 Sornasse, Thierry R.  
5 <120> TITLE OF INVENTION: CDNAS EXPRESSED IN ADIPOCYTE DIFFERENTIATION  
7 <130> FILE REFERENCE: PA-0033 US  
C--> 9 <140> CURRENT APPLICATION NUMBER: US/09/918,624  
C--> 10 <141> CURRENT FILING DATE: 2001-07-30  
12 <150> PRIOR APPLICATION NUMBER: 60/222,470  
13 <151> PRIOR FILING DATE: 2000-07-28  
15 <160> NUMBER OF SEQ ID NOS: 71  
16 <170> SOFTWARE: PERL Program

# ERRORED SEQUENCES

2191 <210> SEQ ID NO: 42  
2192 <211> LENGTH: 1638  
2193 <212> TYPE: DNA  
2194 <213> ORGANISM: Homo sapiens  
2196 <220> FEATURE:  
2197 <221> NAME/KEY: misc\_feature  
2198 <223> OTHER INFORMATION: Incyte ID No: g452054  
2200 <400> SEQUENCE: 42

*Emergency!  
An integer character  
is present in the sequence listing.*

E--> 2201 1aagcttagg aagatttctt gggcacggta tatccagttg gctaataaga aaatacgtct 60  
E--> 2202 cccttcagcc tgtgccttga ctacttaaag gataggaggg aaggggagac gaagttactc 120  
E--> 2203 tcttcattgt gttcaccctg ctccgaagaa ctctgtcttc cactggcccc tccacctcct 180  
E--> 2204 cccattctc ggtagcccca gcctgtcccc ctgtccccct tcttacattc cggggggagg 240  
E--> 2205 agggcgctgt tcagagggga ggagggcgct gttcaggagg cgaaggggag ccccttgtg 300  
E--> 2206 tctagaaggc ctctccccac cccaccccg tgtgagtttg tactgcaaag ctcttgga 360  
E--> 2207 tcttgctctg agttgggtgt tgggaagctc aaattgcagc tacaaactgg ctggcagcca 420  
E--> 2208 ggggcccggc atttaaaagc gcctgtcttc cggagcccc gtagtctctt tggaaacttc 480  
E--> 2209 tgcaggggaa aagagctagg aaagagctgc aaagcagtg gggcttttc ccttttttgc 540  
E--> 2210 tctttttcat taccctcct ccgttttcac ccttctccg acttcgcgta gaacctgcga 600  
E--> 2211 atttcgaaga ggaggtggca aagtgggaga aaagaggtgt tagggtttg ggttttttgc 660  
E--> 2212 tttttgtttt tgttttttaa tttcttgatt tcaacatttt ctcccacct ctcggctgca 720  
E--> 2213 gccaacgcct cttacctgtt ctgcggcgcc gcgcaccgct ggcagctgag ggttagaaag 780  
E--> 2214 cggggtgtat ttagatttt aagcaaaaat tttaaagata aatccatttt tctctccac 840  
E--> 2215 ccccaacgcc atctccactg catccgatct cattatttcg gtggttgctt gggggtgaac 900  
E--> 2216 aattttgtgg ctttttttcc cctataattc tgacccgctc aggcttgagg gtttctccg 960  
E--> 2217 cctccgctac ctgcgtgcac ctggcgctgc cctgcttccc ccaacctgtt gcaaggcttt 1020  
E--> 2218 aattcttgca actgggacct gctcgcaggc accccagccc tccacctctc tctacatttt 1080  
E--> 2219 tgcaagtgtc tggggggaggg cacctgtctt acctgccaga aattttaaaa caaaaacaaa 1140  
E--> 2220 aacaaaaaaa tctccggggg cctctttggc ccttttatcc ctgcactctc gctctcctgc 1200  
E--> 2221 cccaccccca ggtaaagggg gcgactaaga gaagatggtg ttgctcaccg cggctcctcct 1260  
E--> 2222 gctgctggcc gcctatgcgg ggccggccca gagcctgggc tcttctgtgc actgcgagcc 1320  
E--> 2223 ctgcgacgag aaagccctct ccatgtgccc cccagcccc ctgggctgcg agctggtcaa 1380  
E--> 2224 ggagccgggc tgcggtgct gcatgacctg cgccctggcc gaggggcagt cgtgcggcgt 1440  
E--> 2225 ctacaccgag cgtgcgccc aggggctgcg ctgcctcccc cggcaggacg aggagaagcc 1500

## RAW SEQUENCE LISTING

DATE: 08/09/2001

PATENT APPLICATION: US/09/918,624

TIME: 14:01:33

Input Set : A:\pa0033us\_seqlisting.txt

Output Set: N:\CRF3\08092001\I918624.raw

E--> 2226 gctgcacgcc ctgctgcacg gccgcgggggt ttgcctcaac gaaaagagct accgcgagca 1560  
E--> 2227 agtcaagatc ggtgagcgcg ctcaagtgtgc cagtcagtta cgcggcgcac gggcggggga 1620  
E--> 2228 cacgagaccg gctgggcc 1638

→ Use of n and/or Xaa has been detected in the Sequence Listing.  
Review the Sequence Listing to insure a corresponding  
explanation is presented in the <220> to <223> fields of  
each sequence using n or Xaa.



## VERIFICATION SUMMARY

DATE: 08/09/2001

PATENT APPLICATION: US/09/918,624

TIME: 14:01:34

Input Set : A:\pa0033us\_seqlisting.txt

Output Set: N:\CRF3\08092001\I918624.raw

L:9 M:270 C: Current Application Number differs, Replaced Current Application Number

L:10 M:271 C: Current Filing Date differs, Replaced Current Filing Date

L:339 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3

L:346 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3

L:355 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3

L:356 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3

L:406 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3

L:407 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3

L:548 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6

L:576 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6

L:765 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:11

L:766 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:11

L:767 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:11

L:768 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:11

L:864 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:13

L:880 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:13

L:1267 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:22

L:1268 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:22

L:1786 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:31

L:1793 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:31

L:2138 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:40

L:2185 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:41

L:2201 M:254 E: No. of Bases conflict, LENGTH:Input:60 Counted:59 SEQ:42

L:2201 M:320 E: (1) Wrong Nucleic Acid Designator, NUMBER OF INVALID KEYS:1

M:254 Repeated in SeqNo=42

L:2228 M:252 E: No. of Seq. differs, &lt;211&gt;LENGTH:Input:1638 Found:1637 SEQ:42

L:2253 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:43

L:2254 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:43

L:2255 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:43

L:2338 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:44

L:2339 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:44

L:2755 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:50

L:2790 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:51

L:2791 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:51

L:2803 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:51

L:2810 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:51

L:2842 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:52

L:2845 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:52

L:2988 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:56

L:3105 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:58

L:3193 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:60

L:3196 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:60

L:3227 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:61

L:3258 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:62